<u>REMARKS</u>

The present application has been reviewed in light of the Office Action dated August 14, 2009. Claims 1-20 are presented for examination, of which Claims 1, 7, 10, and 16 are in independent form. Claims 1 and 3-20 have been amended to define aspects of Applicants' invention more clearly. Support for the changes to the claims may be found in at least paragraphs [0067] and [0068] of the specification as originally filed. Favorable reconsideration is requested.

The Office Action states that Claims 1, 2, 4-7, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the "DonationDepot.com" website (*Donation Depot*) in view of U.S. Patent No. 7,014,104 (*MacFarlane et al.*); and that Claims 3, 8, and 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Donation Depot* in view of *MacFarlane et al.*, and further in view of U.S. Patent Appln. Pub. No. 2001/0054003 (*Chien et al.*). For at least the reasons presented below, Applicants submit that independent Claims 1, 7, 10, and 16, together with the claims dependent therefrom, are patentably distinct from the cited references.

Notable features of amended Claim 1 include "matching the . . . selected charity to a charity category stored in the memory unit, wherein the charity category corresponds to the employer identifier," "retrieving a percentage and a cap amount stored in the memory unit, wherein the percentage and the cap amount each correspond to the charity category and the employer identifier," "multiplying the employee donation amount by the percentage to compute a preliminary employer donation amount," "calculating a final employer donation amount by limiting the preliminary employer donation amount to the cap amount," and "processing a payment to the selected charity on behalf of the employer for the final employer donation

amount." By virtue of these features, a computer can be configured to enable an employer to match an employee donation amount based on a percentage and a cap amount established by the employer for a charity category to which the donation corresponds. For example, the computer can be configured for a particular employer to provide 100% matching for employee donations to the Muscular Dystrophy Association, 50% matching for colleges, and no (0%) matching for religious organizations.[1] *See Specification*, paragraphs [0067] and [0068].

Donation Depot, as best understood by Applicants, relates to a portal for donating to charities. Apparently, in contrast to enabling an employer to match employee donations based on percentages and caps for a charity category, the *Donation Depot* system enables the employer company to "make[] a donation to the same charity in the same amount." *Donation Depot*, page 4 (emphasis added).

Nothing has been found in *Donation Depot* that is believed to teach, suggest, or otherwise result in "matching the . . . selected charity to a charity category stored in the memory unit, wherein the charity category corresponds to the employer identifier," "retrieving a percentage and a cap amount stored in the memory unit, wherein the percentage and the cap amount each correspond to the charity category and the employer identifier," "multiplying the employee donation amount by the percentage to compute a preliminary employer donation amount," "calculating a final employer donation amount by limiting the preliminary employer donation amount to the cap amount," and "processing a payment to the selected charity on behalf of the employer for the final employer donation amount," as recited in Claim 1.

MacFarlane et al. relates to systems and methods for matched money transfers. Transfer information received from an initiator is analyzed to determine an enhancing amount to

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[1] The example(s) provided herein are intended to be illustrative and are not to be construed to limit the scope of the claims.

be transferred from a matching party to a receiver. (*See MacFarlane et al.*, Abstract.) As best understood by Applicants, *MacFarlane et al.* fails to contemplate charity categories altogether, much less "matching the . . . selected charity to a <u>charity category stored in the memory unit, wherein the charity category corresponds to the employer identifier</u> . . . ," "retrieving a <u>percentage</u> and a <u>cap amount</u> stored in the memory unit, <u>wherein the percentage and the cap amount each correspond to the charity category and the employer identifier</u> . . . ," "multiplying the employee donation amount by the percentage to compute a preliminary employer donation amount," "calculating a final employer donation amount by limiting the preliminary employer donation amount to the cap amount," and "processing a payment to the selected charity on behalf of the employer for the final employer donation amount," as recited in Claim 1. (Emphasis added.)

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would cure the deficiencies of *Donation Depot* and *MacFarlane et al.*, as applied against Claim 1.

Accordingly, in view of the above, Applicants submit that Claim 1 is patentable over the cited references, whether considered individually or in any permissible combination. Therefore, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Independent Claims 7, 10, and 16 include features similar in many relevant respects to those discussed above in connection with Claim 1, and are believed to be patentable for at least the reasons discussed above. Additionally, the other rejected claims in the present application depend from one or another of Claims 1, 7, 10, and 16, and therefore are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to

define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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